



The City of New York
Law Department
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

CASSANDRA N. BRANCH
Assistant Corporation Counsel
Labor & Employment Law Division
Phone: (212) 356-4074
Fax: (212) 356-2439
Email: cbranch@law.nyc.gov
Email and Fax No. **Not** for Service of Papers

October 12, 2018

BY ECF

Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Ok v. New York Dep't of Educ., et al.*,
18 Civ. 0392 (BMC)
Our No. 2018-005857

Dear Judge Cogan:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to represent defendants in the above-referenced action. Defendants respectfully write in response to the Court's order, dated October 11, 2018, directing defendants to show cause as to why they should not be sanctioned for failure to update the Court regarding the status of plaintiff's § 3020-a hearing, per the Court's May 7, 2018 Memorandum Decision and Order.

By letter motion dated June 1, 2018, defendants advised the Court that plaintiff's § 3020-a proceeding would commence on or about June 5, 2018. *See* Docket Entry No. 23. Defendants provided the Court with a second update, by letter dated August 2, 2018, advising that plaintiff's disciplinary hearing had concluded and the parties were awaiting the arbitrator's decision. *See* Docket Entry No. 24. I was out of office for my wedding and one day of jury duty from September 22 to October 3, 2018, and plaintiff's counsel called me the day before I left to advise that plaintiff had recently been issued a § 3020-a Report and Recommendation.¹ After speaking with plaintiff's counsel this week, it is clear that I was mistakenly under the impression

¹ The Report and Recommendation found plaintiff guilty of two (2) of the four (4) charges. Should the Court prefer to read the decision, defendants can either file the document on ECF or email chambers with the document attached.

HONORABLE BRIAN M. COGAN

Ok v. New York Dep't of Educ., et al.,

18 Civ. 0392 (BMC)

October 12, 2018

Page 2

that a letter was filed on behalf of both parties during my absence.² I sincerely apologize to the Court and to plaintiff for this error and ask Your Honor for leniency.

The Court stayed discovery in this matter pending resolution of plaintiff's § 3020-a charges, however, the parties would like to attempt to resolve this matter without further litigation. Accordingly, defendants respectfully request on behalf of all parties that this case be referred to a Magistrate Judge for settlement purposes only, that discovery be stayed pending those discussions, and that in the event the parties are unable to reach an agreement, discovery be extended until 60 days after the conclusion of the parties' conference(s) before the Magistrate Judge.

Thank you for your consideration of this request.

Respectfully submitted,

/S/

Cassandra Branch

Assistant Corporation Counsel

cc: **GLASS KRAKOWER, P.C.**
Attorneys for Plaintiff

² Having reviewed the Court's May 5, 2018 order again, I recognize that only defendants, and not both parties, were ordered to provide the Court with status updates.